G R S IX-5]

Previous references

Rd. 39 18 & 25120

Rd. File No 85-19

1919.

Serial Nos 1, 4 8, 9 & 11

(Municipal

Later reference

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 1, 4 8, 9 & 11,

Part B for February

SUBJECT

Petitions from the Chittaldrug Dt

To M.P Somasekhara Rao Bn, Bst, LLB,
Advocate Bangalore

No. R 9516 & 25220,

With reference to his address against the order of the Dy Chittaldrug Dt. granting certain land in dispute in the Hosdurga Taluq to Narasingha Rajendra Math and to his petition for the issue of an order to stay the obtainment from Municipal Commissioner of the said land, informing him that the Govt cannot interfere in the matter.

W D 1250—GPE—30,000 26-1 19

do The Dy. Chittaldrug

No R 9515 & 25220

Forwarded copy of the above

Bgl 26/2/20.

G. R. S. III—1] 1917

GENERAL AND REVENUE SECRETARIAT

(Land)

NOTES

File No. 85—19

FILE HEADING.

Petitions from the Collector during

From

M. S. Somasekhara Rao, B.A. L.L.B. Advocate, B.Z. on behalf of Thatipaka Narasimhadasya & others of Vizagapatam &c.

No. Nil (address 4 parts) Dated 2.9.19 Received 6.9.19

Diary No. 1760	Enclos 1 Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER

appeals against the order of the Deputy Com.r granting certain land in dispute in the Vizagapatam Hill & Manyam tract and prays for the issue of an order staying the opponent from building on the said land pending the disposal of the appeal.

NOTES AND ORDERS

1) The appeal is based on the grounds enumerated in pages 3 & 4 of the petition.

2) A Copy of the order appealed against has also been submitted enclosed.

Submitted for orders.

KR

10/9/19

NOTE.—First Sheet

760 2
1852 2

G R S III-2]

General and Revenue Secretariat | ML File No 85 of 1919

Serial No

2 From Mr M-P Somasekhara Rao, B.A. B.L. B Advocate, Bangalore city - Petn dy 8-9-19 on behalf of his clients - Dasappa &c in the same subject -

3) This petition was presented by the Advocate to Member in person.

orders of the Member thereon:-

"no good reason to order an interim injunction - Petition rejected".

Jd Mr

? 7/9/19

4) Subd with draft - Endt to the Petrs

"not on file
dp 7/11/19

dp 11/9/19 MW

5) For orders as to whether the Endorsement may issue as it is not clear whether the order rejecting the petn. was communicated ~~to~~ in person to the party presenting the petn.

MK 12.9.19

1312 13.9.19

√ Second Member) Memo was perused by the Petitioner's Advocate.

Mr

6) May the draft Endt already put up issue or may the papers be recorded.

dp 17/9/19 MW 17/9/19 Issue.

7) Please send the order

MK 18/9

NOTE—Contn sheet

G R S III-2]

General and Revenue Secretariat

1760 1862

NL File No. 85 of 191 9

3

Serial No

1) Attention is respectfully invited to the paper under disposal, which is an appeal petition from Bhupala Naupiadoss and others of Hadunga. The Deputy Commr has sent a copy of the ~~[illegible]~~ order passed by him in the matter as a reference from this Ptd May the records be called for?

Subd ~~as per instructions given orally by the Assistant Secretary~~

NL 3/9-19

Do Linked

26/9 2) The order on the petn is with reference to the interim injunction No order has been passed on the appeal prepared by the Petr The copy of the D C's order appealed against is on the file The appeal alleges that the land in dispute is Crl land and as such the D C had no right to interfere This allegation has some force in it and it would be desirable to call for a report with records, and ascertain under what powers the D C interfered in the matter This seems to be a question for settlement in a Court of Law

MK 1/10/19

Second Member)

1661 3/10/19

11) Cannot interfere in a matter of this kind If it comes up hereafter

NOTE—Contn. sheet.

G R S III-2,

General and Revenue Secretariat

File No 95 of 1919

Serial No

4) Is it necessary to call for a report under

26/10/19

1) The idea is calling for a report from the Collector is, it is submitted, to ascertain under what authority he passed the order which is now appealed against. The Hindu Law relied is a minor rule and it may not be possible that the Govt. may exercise powers of interference. It will depend upon the circumstances of the case.

27 10 19

1887
28-10-19

(Second member)

13) Till we get the report it may be called for

2/11/19

13) (Draft submitted). Of the two petitions received with the subject, one received with G 1760, 20th be forwarded, of which for report for the other received with G.1862 of 19 a Reminder thereto. Call the member's orders thereon.

8/11/19

8/11/19

7/11

NOTE—Contn sheet.

G R S III 2]

5 5

General and Revenue Secretariat | mil File No 85 of 1919

Serial No	
8	Dr D C Chittaldrug no R 5948 of 20th forwards sk 1 for a detailed report.
9	From the same office no 8 dtd 5th mil/19 no 3 13-12-19 submit the report called for together with records

15 Attention is invited to the [illegible] records Cantg drawn up in the district office in the subject as also to the brief note and the Dy Comrs orders thereon.

X W & V.

16 The present deputy Com- explains that the Circuit authorities have no documentary evidence to establish their right over the disputed property & the records show that it has all along since 1895 been treated as public property and he also feels doubtful as to the jurisdiction of the Dy Com^r to interfere under section 174, mil Reg^n in a dispute concerning the minor municipal Commrs & and a private property party

17 The contentions of the taddarder m^t B narayanappa are (1) how the municipal authorities kept quite silent while an "Iyah" sold a site bearing "Linga madre" to a mahomedan who has now built a house thereon - (2) how the municipal Council allotted the land under dispute into building sites & sold certain sites thereof by

NOTE—Contn sheet

1768
1862

4684 6

G R S III-2]

General and Revenue Secretariat | ML File No 85 of 1919

Serial No

public auction if the land land had been stated the property of the mutt and why not the mutt authority did not raise objection then & claimed ownership thereof then instead of at this distance of time?

18. It is a point for consideration whether the land in dispute should not be considered as municipal property unless the mutt authority establish their rights in a Competent Court of law.

KJ
3/1/20
ML
5/1/20

NOTE—Contn sheet

G R. S III-2]

General and Revenue Secretariat

Mul File No 85 of 1919

7

Serial No

The appeal petition sets forth ten grounds of contention urging the consideration of the case by Govt of these grounds nos 2, 3, 5 & 8 are substantiated by the records and a perusal of the plan of the site makes it clear that there are neither tamarind trees nor Lingumudre stones at defined places on the land in dispute.

The title of the mutt to the land is not conclusively proved except that the said land is contiguous to the mutt there are no other conclusive points of evidence. The mutt have not proved that they were actually in enjoyment of the land for over twelve years by paying quit rent or otherwise. The argument that they could not press their claims earlier

NOTE—Contn sheet

G R S III-5

General and Revenue Secretariat

File No 85 of 1917

Serial No

on account of the fact that the affairs of the mutt had fallen into neglect owing to the demise of the late Swamyar during his tour in Northern India answers the prima raised above to some extent But the Mutt should be able to produce documentary evidence in the shape of the original or at least a copy of the Sanad granted to them. As this has not been done, information may probably be obtained unofficially from the Inam. Supdt as to whom the land belongs.

On the other hand, it is reported that the land in question has all along been treated as public property and the file of records discloses that there were numerous applications from private individuals for the purchase of building sites on the said land Even though two sites were actually disposed of for Rs 40/- 50/-, no action was taken

NOTE—Contn. sheet.

G R S III-2]

General and Revenue Secretariat | Jud File No 85 of 1919

Serial No

to have been taken on the said applications subsequently by the municipality and the reasons they are not also set forth therein rule 13 (b) of the rules under the Land Revenue Code it has been laid down that such pieces of ground between the houses and the roadway should be treated as municipal property

The Deputy Commissioner (now Collector) seems to have acted under Sec 174 of the Regulation in having directed the withdrawal of the order of the Jud Resident to suspend the construction of the building on the land in dispute It is not known under which of the specified clauses referred to therein he issued the order further it seems to have been obligatory on his part to forward a copy of his decision to Govt under Sec 174 (2) for confirmation But even this does not seem to have been done The possession of the piece of land was under dispute between a private institution and a

NOTE—Contn sheet

G R. S III-2]

General and Revenue Secretariat | ML File No 85 of 1919

Serial No

statutory local body and as such it is a point for consideration whether the D C's order is not ultra vires The decision is appeal to the resolu of the municipal Council and the D C does not further seem to be competent to decide such cases of title to land

The Inam Supdt & the Govt Advocate may perhaps be consulted.

Subd for orders

Subd on by the Asst Secy 13/11/20

8 AA. 13/1/20

Even if the Dy C^r passed the order in question under Sec 174 M C Regn, he does not seem to have complied with the provisions of Sub Sec 2 of that Regn The matter has now to be settled in a Civil Court, and if a doubtful if the Dy C^r had powers to interfere

17-1

New Secy)

The order of the Dy Coll^r

NOTE—Contn sheet

W80 11 11

G R. S III-2]

General and Revenue Secretariat. | Vik File No. 85 of 1917

Serial No

(Mr Kincaid) cannot, it seems to me, be supported. The question is how he could constitute himself as a judge to decide on the claims of two contending parties — viz., the Municipal Council & the Chatt — inter alia to the ownership of a land within the limits of the Municipality. The order of the D.C. should, I think, be reversed, and the decision of the Municipal Council restored, the opponents being left to take such action as they may consider necessary.

(2nd member) 31-1-20

3866/3 2 20

Yes. But I would like to know under what section of the Municipal Regulation the D.C. can interfere in the act of the Municipality which is subject to appeal by Ordinance.

7/2

Then the petrs may be informed that they should

NOTE—Contin sheet

12

G R S. III-2]

General and Revenue Secretariat

File No 85 of 1919.

Serial No

move the Mil. Council in the matter of that Steel can not interfere

10-2-20

4074 11.2.20

2nd Member

In an emergency like many in future when speed like this is called for such a case perhaps subsequent sanction

11/2

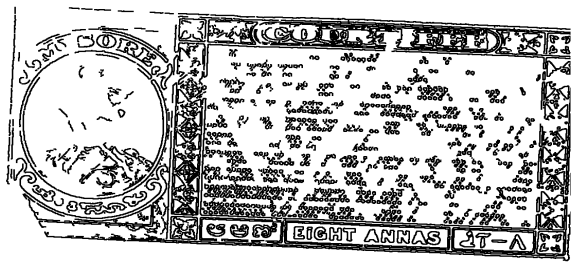
Endorsed with a slip

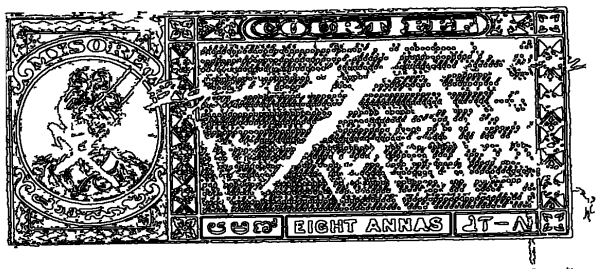
14/2

14 To the Petrs No 9714 Dated 25/2/20 Issue an endorsement with reference to Sl 1 informing that the case is not a case fit for interference

Memo to the Dy Secy Chief Secretariat No 9715 Dated 25/2/20 Forwards copy of endorsement with reference to Sl 9

NOTE—Contn sheet





Before the Government of His Highness the Maharaja of Mysore

Mer Ap of 1917-20

Petitioners (1) Bhupala Nanjundappa
(2) Arakeswarada Rangappa
(3) Nagara Bhatkanna

Inhabitants and Municipal Councillors of the town of Hosadurga

Opponent The Murugarajendra Mutt of Chitaldroog by its agents (1) Lingappa of Chitaldroog
(2) Ramanna
(3) Ayyamanyappa } of Hosadurga

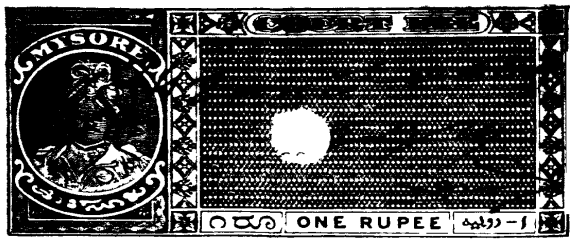
The petitioners beg to state briefly as follows

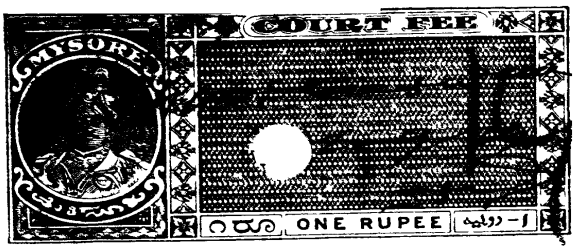
The petitioners have preferred an appeal before the government from an order of the Dep. Commissioner of Chitaldroog, allowing the opponent to build upon a plot of land at Hosadurga which as is clear from the public records for nearly 30 years is the property of the Hosadurga municipality but which the said Dy. Commissioner has upon insufficient grounds etc as submitted & held to be the property of the Mutt. The land was as early as 1896 divided into sites and

there is among the merchants of Hosadurga a keen desire to secure these sites as they are conveniently situated for trading purposes And these sites will if sold fetch not less than Rupees 4000/- It is therefore important that the opponent should be prevented from building on the said land till this appeal is disposed off The opponent anticipating this appeal has begun to expedite the construction of the shops and etc on the said land The petitioners therefore humbly pray that the order of the Deputy Commissioner may be kept in abeyance and an urgent order may issue restraining the opponent from continuing the construction of any building on the land in dispute till this appeal is finally decided

8/2/19

M M Nanabhanji
Advocate for Petr.





6373 1760 6-9-19 mk 85-19. sl.

Post box
CBS
4/9/19
Rev Sett
CBS
4.9.19

BEFORE THE GOVERNMENT OF H.H THE MAHARAJA OF MYSORE.

Mis. No. of 1919-20.

Petitioners:- 1. Bhupala Nanjundaiyya,
2. Aralimarada Rangappa,
3. Nagari Chikkanna, inhabitants and Municipal Councillors of the town of Hosadurga, Chitaldrug District.

Opponent:- SRI MURUGHARAJENDRA MUTT, near Chitaldrug by Agents
(1) Lingappa, living at Chitaldrug.
(2) Ramanna
(3) Anji Nanjappa } living at Hosadurga

Appeal from the order of the Deputy Commissioner of Chitaldrug (without date) herewith annexed.

The Petitioners above-named humbly and respectfully beg to state as follows -

The land mentioned in the order of the Deputy Commissioner (herewith produced), as X Y Z R is vacant land included within the limits of the town Municipality of Hosadurga.

All rights in respect of the said land are and have been vested in the said Municipality for and on behalf of the Public of Hosadurga. This land has been always

always recognised and treated as Municipal property as is clear from public records such as darkhasts, mahazars, etc. There is a number of darkhasts and mahazars relating to this land which expressly describe it as being public and municipal property and those darkhasts and mahazars are signed by a number of Lingayats of Hosadurga, the oppenent's agents (2 & 3) also being among them. The agents (2-3) have also made bids at auctions of parts of the land. The land has been for a long time entered in the Municipal records as public and from time to time it has been ordered to be sold and portions of it have at different periods been disposed of to darkhastdars, who are now in the possession of them. Many of the inhabitants of Hosadurga are willing and anxious to purchase the undisposed off portions of the land if they are put up for auction sale.

Recently, however, the opponent (through the above-named agents) claimed the land as the Mutt property and obtained from the then Amildar of Hosadurga a license for building shops etc., on the said land. As the recognition of the land as private property of the Mutt and the grant of the license to build thereon was opposed to the interest of the public, the petitioners intervened and objected. A resolution was also passed by the Municipal Council of Hosadurga that this land was public property and that the opponent should not be allowed to build there.

The Deputy Commissioner of Chitaldrug has ultimately passed an order that the land is the property of the opponent Mutt and that the license was rightly granted. From this order the petitioners humbly and respectfully begs to prefer this appeal on the

10

the following among other grounds:-

(1) That the Deputy Commissioner had no jurisdiction to decide the question of title to the land in dispute and his order is therefore ultra vires.

(2) That the order of the Deputy Commissioner is erroneous since it is opposed to the resolutions passed by the Municipal Council.

(3) That there is no evidence of the existence of any Lingamudre Kallu on the land in dispute nor of the enjoyment by "the Virakta Mutt" of the crops of any tamarid tree on the land in dispute, and that as a matter of fact there is no tamarind tree on the said land.

(4) That even if there were evidence of these facts, they do not establish the right of the opponent to the said land.

(5) That it is quite clear from public records that since 1895 at any rate the land has been recognised and treated as Municipal property adversely to the rights of all private parties if any, and that therefore such rights as the Opponent might had (if any) have become extinguished by lapse of time.

(6) That the opponent is also estopped from claiming the land now.

(7) That there is satisfactory evidence of the fact that the land is Municipal property.

(8) That there is no evidence of the rights of the opponent.

(9) That the Deputy Commissioner has passed his order without proper enquiry and without any proper evidence before him.

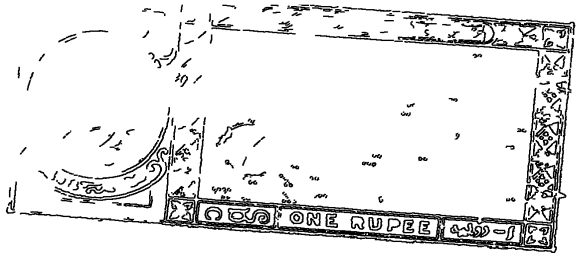
(10) That the order of the Deputy Commissioner is opposed to law, evidence & probabilities of the case and is calculated to cause to the Municipality loss to the extent of Rs 4000/- as also future ~~gutta~~ kandayam.

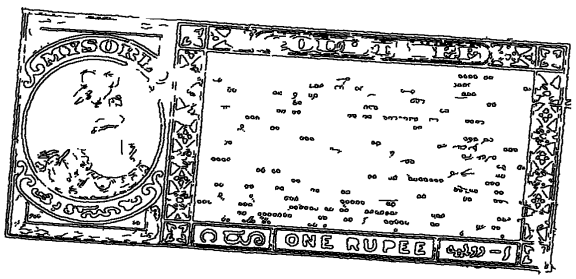
For these and other reasons the petitioners pray that the order of the Deputy Commissioner may be reversed and opponent nay be prohibited from building on the land in dispute. As the petitioners understand that the opponent is about to hasten the construction of shops etc., on the land, they humbly pray an urgent order may be issued keeping in abeyance the order of the Deputy Commissioner and restraining the opponent from building on the land till this appeal is disposed of.

Bangalore City,
~~23-8-1919.~~
23ನೇ ಆಗಸ್ಟ್ 1919

ಮಾ. ಕಾಂತರಾಜ ಅರಸು
ಸಹಿ/-
ನಾಗಪ್ಪ ಪ್ಲೀಡರ್

S. Ramachandra Rao
ಸಹಿ/-
2-5-19





Before the Court of the Municipal Council Mysore ಕೋರ್ಟಿಗೆ.

1914 —1920 ನೇ ಇಸವಿ ನಂಬರು.

ವಾದಿ. ಪ್ರತಿವಾದಿ.

Purs Bhupala Nanjundayya + others

Sri Murugeshayya Mut by agent (1) Lingayya + others

ಶ್ರೀಮತ್ ಗೌರ್ನಮೆಂಟ್ ಪ್ಲೀಡರ್ ಅಂಡ್ ಜಿ. ಪಿ. ಸಿ. ಪ್ಲೀಡರ್

ಮೈಸೂರು

ಮೈ॥ ರಾ॥ ADVOCATE, CHICKPET, ಬೆಂಗಳೂರು ಪೇಟೆ ಇವರಿಗೆ

Purs ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ತುನಾಮೆ.

ಮೇಲ್ಕಂಡ ನಂಬರ ಮೊಕದ್ದಮೆಯನ್ನು ತಾವು ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ನಾವರಾಗಿ ವಿವಾದಿಸಿ ಫೈಸಲ್ಮಾಡಿಕೊಂಡಹಕ್ಕಿಗಾಗ್ಯೂ ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯದಿಲ್ಲಾಗ್ಯೂ, ಅರ್ಜಿ ವಗ್ಗೈರೆ ಕೊಡುವದಕ್ಕಾಗ್ಯೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗೆ ಸ್ಲ್ಲತಕ್ಕ ಡಿಕ್ರಿ ಮೊಬಲಗು ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆದುಕೊಂಡು ರಸೀದಿ ಕೊಡುವದಕ್ಕಾಗ್ಯೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗಾಗಿ ವಾಪಸು ಆಗುವ ದಾವಾ ಸ್ಟ್ಯಾಂಪು ಪ್ರೊಸೆಸ್ ಸ್ಟ್ಯಾಂಪು ಸಹ ಪಡೆದುಕೊಳ್ಳುವದಕ್ಕಾಗ್ಯೂ, ಮತ್ತು ನನ್ನ ಬಾಬತು ವಿಶಿಷ್ಟ ಖರ್ಚಿನ ವಜಾ ವಗ್ಗೈರೆಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ವಾಪಸು ತೆಗದುಕೊಳ್ಳುವದಕ್ಕಾಗ್ಯೂ, ಸಹ ಈ ಮೊಲಕ ತಮಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇರುತ್ತೇನೆ ಈ ವಿಷಯದಲ್ಲಿ ತಾವು ನಡಿಸುವ ಕೆಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಜಿದ್ದು ನಡಿಸ್ಕೊಂಡಿರುವಂತೆ ಒಪ್ಪಲೂ ಇದರಿಂದ ಬದ್ಧನಾಗಿ ಇಹೇನೆ

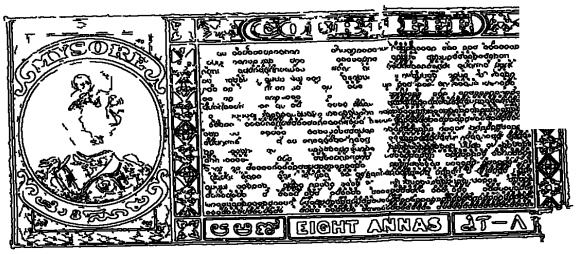
ತಾರೀಖು 23/8/15

ರುಜು.

ಈ ಮೋಕ್ತಾರನಾಮೆ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿರುವದ್ರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿ ಇಹೇನೆ.

ಈ ಮೋಕ್ತಾರನಾಮೆ ಅಂಗೀಕರಿಸಿ ಇಹೇನೆ

(ಸಹಿ) ಈ ಸಂಗತಿಯ ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ ಪೋಸ್ಟಾಫೀಸ್ ಸಂಡೇ ರುಜು ನಂಜುಂಡಪ್ಪನವರ್ಲಿ ಮೊರಯುತ್ತ. 23/8/15



Reference - Correspondence ending with report no 231 d 29-4-19 received from the President of Hosadurga Municipality on the question of Theatrical & cycle shows in the town of Hosadurga -

Order. 30-5-19

I have carefully gone through the records and have made detailed enquiries on the spot - in the presence of the Agent of the Sri Murugharajendra Mutt, and the appellants' counsel and Shunpat Mangaldoss and the other Bakkaldars on the other including Karim Lab

It may be stated at the outset that the plot of ground on which it is proposed to build Shops for the main - tenance of the Uravalla Mutt and as I understand some rooms on the upstairs of the Shops for the convenience of the devotees and Bhaktas of the Mutt as also the plot of ground opposite to this and situated on the other side of the road formed in 1896 as very much objected to by a number of persons especially merchants as it is contended to have cut off the near this locality and the Shops

bought time-an article both a valuable property Mr Thurgood Mangammidaffan and some others are the most prominent among those who want to get possession of these soli

The main contention of the Talukdars does not seem to be that the land does not belong to the Ryot but for the following reasons:- 1st That a large Petta Number of Ryots have signed Muchalkas from time to time to say that the land was applied for by the Agent of Mutta as Government land and may be sold by public auction 2nd. On the reports of the Tahsildars, the Deputy Commissioner from time to time issues orders that the land may be sold by auction. 3rd. Some of the soli was actually sold some years ago for Rs 40 and so respectively & the Government has formed a road dividing the soli into two portions and a number of soli in Shiso have been marked on the pattah and on the ground stating during all the time no claim was made on behalf of the Mutta that the soli was applied for

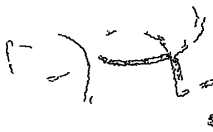
applied for belonged to A-

On behalf of the Versailles Market it is contended that the fact that some of the Linfayals have signed Mahazars to the effect that the land was Government property and the same may be sold by public auction does not bind the Mukh in as much as they were not recognised agents of the Mukh and they themselves were prompted by Ameer Ali Sahib Inspector to get possession of Lots to build Shops.

2nd Circumstances regards the Boundaries made or proposed the Municipality Submitted was done behind the back of the Mukh, the real owners of the land and they did so in ignorance of the rights of the Mukh and the order of the Agents Commissioners were passed on the reports submitted by the Local Officers

3rd The Mukh does not Claim the 2 Lots sold by auction nor any other in the same but does not seriously lay claim any Claim to the land on which the road has been formed as there are beyond the limits of the Mukh property as demarcated by Lingas Numbers Stones erected even to this day

4 R.S. As regards the Claim hereby been put forth, till now on behalf of the Mukh it is contended that the first Secretary



During the years of my every advance to Office had been hindrance for a long time. Mathews Judical and he stuck close in the Course of the time every time long and Continued absence. the affairs of the Mutt became very much neglected and for want of Agents who could safeguard the interests of the Mutt and consequently the Mutt suffered materials loss. Even after the present Swaminathan ascended the Gadi he had no time to look into these matters and consequently the claims of the Mutt could not be pressed

Back apart from this it is the observed fact of life that neither the Government nor the Commissioner has exercised any right adverse to that of the Mutt over the land actually belonging to the Mutt and the acts actually acted in accordance with claimed by the Mutt.

As regards the Linga Mudra Kallan being an undertaken of the property of the Mutt, it was represented by Bhupal mangamdaiyar and the other Karanavar that there were Linga Mudra Kallan to be found even in the house of the Karnam Sahib

a "instrument" Gun was found like a
fact but the particulars of the Mutt claim
Elected Out from Gun Khasam Sab that the
the house referred to originally belonged to
Gun Jyoti who sold it to Khasam Sab and
the presence of the Lingi Murdu Kallen &
Thimmappa

But Still Gunu Commencing proje
that the plot in question marked x y z y R
in Sketch dated 26th April 1919 initialled
by me and signed by the Amildar and the
Mutt land belongs to the Mutt, and not
withstanding the document the Mutt have an
a number of Cannarind trees on South
Corner of the area tree that is Cut and taken
within the boundary line Marked pointed
by the Lingi Murdu Stone & being taken by
the Mutt authorities and not by the Government
and it is important to note that the
plot x y z y R referred to above Comes
within the said boundary lines.

It was suggested by the Chairman
Managing Office that the cost of the Cannarind
was being given to the Mutt authorities
because they had planted the
trees and not because the land

belonged to them but on her to the other hand that the crop of the trees just a few feet from the boundary line formed by the Singha Mudra Stones Kallen is being taken by Government and thus the enjoyment of the Nikkaranadana is curtailed.

I have to add in this connection that a plot of ground to the west of the Mutt and adjoining its Compound wall was, out about 6 or 7 years ago given over to the Municipal Manjanadappa on the understanding that he was going to construct a Chattram thereon - Granted in these dotted lines - It has since transpired that this belongs to the Mutt in as much as the whole of the land to the west of the Mutt extending up to the Bandar rock on the one side and an old Mantap and Gadduge on the other with the Tamarind tree thereon form the prospects of the Mutt and the Tamarind cusp is being enjoyed by the Mutt Municipal Manjanadappa does apprehend that if the Question of the Stop Acts should go in favour of the Mutt, he would summarily have to forego the land so granted to him with the Institute he

he has been carrying on the agitation in the matter. In fact the agent of the Mutt pointed out to me that the lands of the Mutt had extended up to the Palace Hatchery and a portion of it had somehow come to be included in the Compound. But these matters do not directly arise out of the present question.

For the foregoing reasons I am of opinion that the order in Executive Mg. for portion marked x y z in the Sketch belongs to the Mutt and the license issued by Mr. Thomson for the construction of the shop etc was rightly granted. The suspension order issued may be withdrawn as already intimated.

(Sd.) M Zahiruddin Moosa
Deputy Commissioner

"Copy"

D 577/19

For the Deputy Commissioner
Chitaldrug District

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸೇವೆಯಲ್ಲಿ
ಕರ್ತವ್ಯ ಕಾರ್ಯಾರಂಭ: 12-6-19
ಕಾರ್ಯಾರಂಭ: 5-7-19
ಕಾರ್ಯನಿರ್ವಹಣೆ: 5 ವರ್ಷ
ಸೇವಾವಧಿ: 11ವರ್ಷ.
ನಿವೃತ್ತಿ - 1-6-30
ಕಂಪ್ಯೂಟರೀಕೃತ ದಾಖಲೆ

G R S VI -G/32]

SUBJECT

Diary No of letter replied to 1760
1862

GENERAL AND REVENUE SECRETARIAT
(mark
, the 191

Date of issue 20/11/19

Signed by Mr G Balakrishnan

Section mil
File No 85-19
Serial No 8

No R 5948 S 20/11/19

To The Deputy Com^r, Cuddalore

Sir

I am directed to forward herewith for favour of an early [illegible] the appeal petition together with its enclosure dated 2-9-19 received from Bhagola Ranganadayya petitioner of the Vanadurga Samasthanam appealing against the order of the Deputy Com^r granting possession of certain land in Erpakkam on the north & the margi kattu and praying for the issue of an order to stay the opponent from building on the said land in the meanwhile.

over I have, &c

20/11/19

with copy of the several petitions referred therein

Office of the Deputy Commissioner,

Chitaldrug District

Dated Chitaldrug, 12th December 1919.

Ml 85-19-9

To

Venkata Rao Esquire B.A.,

Deputy Commissioner,

CHITALDRUG

E. Ramaswamaiya Esquire B.A.,B.L.,

Secretary to the Government of

H. H. the Maharaja of Mysore,

Revenue Department, Bangalore.

Sir,

Adverting to your letter No.R.5949/Ml 85-19-9 dated 20th November 1919 calling for a report on the appeal petition of Bhupal Anjundiah and others of the Nosadurga Municipality, I have the honor to state that the facts of the case have been elicited by Mr. Mecgai the then Deputy Commissioner ~~in explaining matters~~ in his order dated 7th May 1919 a copy of which was submitted for the information of Government with this Office letter No.Ref. 453/Ml 18-19 dated 20-8-19.

I also inspected the land in dispute on the 25th November 19 sketch of which marked 'A' is herein enclosed for reference. The red portion marked XYRZ is the land in dispute adjacent to the compound wall of the Virakta Mutt. On a perusal of the records it is seen that the opponents have produced no documentary evidence to establish their rights over the land in dispute except relying on the bear fact that certain "Linga Mudre Stones" situated here and there (marked L S. against the black squares in the sketch) indicate the demarcation the limits of the Mutt and that the crop of the tamarind trees in the vicinity of the Mutt are also taken by them. Linga Mudre stones are seen to exist at undefined places and the fact, as borne by the records, that a such a stone also exists in a Mohamedan's house at Sondenahalli formerly owned by a Lingayat, negatives the claim of the Mutt. The records show that the land in dispute has all along been treated as Public property and action taken ~~taken~~ to form [illegible] in the locality in the name of the late His Highness

WD 1911—GPE—50,000—20 9-19—5

16

191 9

From The Deputy Commissioner
Chittagong Distt

To The Secretary to Government
Revenue Department

Dated 12th Recd 15 DEC 1919

Despatched December 19

Received

General No 1919 S.R.S. 57 Mut Q-19-
No.

Enclosure No. one file

Submitting a report on the appeal petition of Khorshed Nawab and others of the Hawaldy Mauzah as called for in Revenue Secretary's letter No R.S. 5448/Mut. 85-19-9 dated 20. 11. 19

Highness the Maharaja of Mysore and several applications for sites thereon seem to be still pending disposal in the Municipality, and that a weekly Sante is being held in the Tamarind tope for long time. The existence of a burnt stone wall compound wall around the Mutt restricting, so to say, the limits of the Mutt with an opening to the North, and the absence of any kind of fencing even around the vacant land is a matter for consideration as to the ownership or otherwise of the land in dispute. In the absence of any satisfactory evidence to support the claims of the opponents a portion of the land in dispute marked R.A.B.Z adjoining the compound wall of the Mutt may be granted to them as a matter of grace, avoiding unsightly projection towards the Sante side.

Mr. Meccai the then Deputy Commissioner seems to have interfered in the matter under Section 174 of the Municipal Regulation in directing the withdrawal of the prohibition order of the President. As it is a dispute between the Minor Municipal Council and a private party concerning a land, it is doubtful if the Deputy Commissioner had jurisdiction to adjudicate it

The appeal petition with its enclosures received with your letter and the entire file of records bearing on the subject together with the sketch referred to above are herewith submitted for reference.

I have the honor to be,

S i r,

Your most obedient servant,

Deputy Commissioner,

Chitaldrug District

C R S VI—6/9]

DRAFT

SUBJECT

Section Jud
File No 85-19
Serial No. 44

No R9714 8/25 2 20

ENDORSEMENT

GENERAL AND REVENUE SECRETARIAT

( )

, the 191

Granted to Abdulsab Nangandiah

in Thana of the Bandarga Taluk

Diary No of letter replied to

Date of issue 25 2 20

Signed by Dw. HV Ramaswamy

In reply to his petition dated 2. 9. 19 this Hon
Advocate has to Coimbatore Road Kotte
applying for grant the order of the Ct.
Chattrabhanga Bandarga Kadaki Canal,
is informed that this is not a case
for the withdrawal by Govt

A petition in the Hon Advocate duly
stamped made praying for the grant
of an order to the said petitioners
to stop the building operations
on the said canals pending the
disposal of this appeal, stayed
the petitioners are

~~that this appeal be rejected~~

By Order,

Secretary to Government

14/2/20 Copy of the above

19 2

Memo :- R9715 - Encl on file

Copy of the above as forwarded to the Air Chief - duly for information with reference to this correspondence ending with his letter No. D. Ops 5/Intelligence dated 12-20. The communication noted are herewith returned.

H. O

for Secretary
War Office

List of enclosures.

Copied by

Examined by

WD 62150—GPE—2,000—27-4-16